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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,725	11/18/2003	Matthew W. Weismiller	8266-1185	5046

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EXAMINER

SANTOS, ROBERT G

ART UNIT PAPER NUMBER

3673

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,725

Applicant(s)

WEISMILLER, MATTHEW W.

Examiner

Robert G. Santos

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 13-16 and 19-29 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 12, 17 and 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 6-11, 13-16, and 19-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Larisey, Jr. et al. '769. As concerns claims 1, 9, 10, 16, 19, 20, 22 and 29, Larisey, Jr. et al. show the claimed limitations of a patient support (10) comprising a frame (18); a patient support surface coupled to the frame, the patient support surface including a back section (20), a seat section (22), and a foot section (24); the foot section including a body (66) having a bottom surface, a top surface, a head end portion, and a foot end portion, the top surface of the body including an uppermost surface that lies in a top plane, and an L-shaped support (26) configured to move in response to movement of the body, the L-shaped support having a first portion directly coupled to the body and a second portion spaced-apart from the body adjacent to the foot end portion, the second portion maintaining a substantially perpendicular disposition relative to the top surface of the body and the top plane of the body being positioned between the first and second portions of the support (as shown in Figures 2-4). As concerns claims 2, 3, 11, 13, 23, 24 & 28 and with further regards to claim 16, the reference is considered to show the use of a second end support (U-shaped frame 62) including a first end coupled to the body, a second end coupled to the body (as described in column 5, lines 5-7), and a middle portion (as shown in

Art Unit: 3673

Figure 9) positioned between the first and second ends and directly coupled to the L-shaped support. As concerns claims 6, 7, 25, & 26 and with further regards to claim 16, the reference discloses a condition wherein the second portion of the L-shaped support includes a first end coupled to the first portion of the L-shaped support and a second end, the top surface of the body including an uppermost surface that lies in a top plane, the top plane is positioned between the first and second end of the second portion of the L-shaped support (as shown in Figures 2-4), and wherein the L-shaped support is coupled to the bottom surface of the body (also as shown in Figures 2-4). As concerns claims 8, 15, 21, and 27, the reference is considered to show the use of mounting member configured to releasably couple with a frame of a patient support (as shown in Figure 11 and as described in column 8, lines 1-51). With further regards to claim 11 and as concerns claim 14, the reference is considered to show a condition wherein the top plane of the body (66) is positioned between the first and second ends and the middle portion (since the top plane spans the distance between the first and second ends and middle portion of element 62 as shown in Figure 4).

Response to Amendment

In response to Applicant's arguments on page 7 of his amendment concerning the claim objections contained in the previous Office action, the examiner respectfully agrees. Consequently, these claim objections have been respectfully withdrawn. Furthermore, Applicant's arguments on pages 7-10 of his amendment with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

3. Claims 4, 5, 12, 17 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Goodwin et al. '092, Goodwin et al. '924, Goodwin et al. '039, Kristensson '223 and Kristensson et al. '938.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 3673

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
November 22, 2004